

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL LEE ROSLUND,

Plaintiff,

v.

Case No. 11-12240
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING THE REPORT AND RECOMMENDATION, DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Now before the Court is Magistrate Judge Michael Hluchaniuk's Report and Recommendation [Docket No. 12, filed August 10, 2012] on Plaintiff and Commissioner's cross motions for summary judgment. 28 U.S.C. § 636 governs the standard of review when examining a report and recommendation. This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*

Plaintiff argues that the administrative law judge (ALJ) did not properly evaluate his moderate limitation in concentration, persistence, and pace in the hypothetical question posed to the vocation expert. The ALJ limited Plaintiff to "simple, routine and repetitive work activities performed in a stable work environment" and to no work "with the general public." The ALJ considered all opinions as a whole instead of only relying on certain parts of the Psychiatric Review Technique form (PRTF). The ALJ accounted for the limitations identified in the PRTF

and actually limited Plaintiff more than outlined in the PRTF. The Magistrate Judge found that the hypothetical question was supported by substantial evidence. The Magistrate Judge recommends the Court affirm the ALJ's decision, deny Plaintiff's motion for summary judgment, and grant the Commissioner's motion for summary judgment. There was no objection to the Magistrate Judge's finding of fact or conclusions of law. For the reasons stated in the Magistrate Judge's August 10, 2012 Report and Recommendation, the Court accepts and adopts the Magistrate Judge's recommendation in its entirety.

Accordingly,

IT IS ORDERED that the Magistrate Judge Michael Hluchaniuk's Report and Recommendation [**Docket No. 12, filed August 10, 2012**] is **ACCEPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment [**Docket No. 10, filed December 14, 2011**] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [**Docket No. 7, filed October 14, 2011**] is **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: September 30, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 30, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager